

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

UNITED STATES OF AMERICA,

Plaintiff, : Case No. 1:09-cr-067
Also Case No. 1:13-cv-450

- vs -

Chief Judge Susan J. Dlott
Magistrate Judge Michael R. Merz

ROBERT L. SCHWARTZ,

Defendant. :

ORDER

This case is before the Court on Petitioner's Motion to Reconsider (Doc. No. 121). Schwartz seeks reconsideration of this Court's Order Adopting Report and Recommendations (Doc. No. 119) upon a finding that Schwartz had made no objections to the Magistrate Judge's Supplemental Report and Recommendations and that the time for doing so had expired (Doc. No. 118).

Schwartz claims he never received the Supplemental Report and Recommendations (Doc. No. 121, PageID 1009). The docket shows that the Clerk mailed a copy of the Supplemental Report to Schwartz by regular mail on the date of filing, but Schwartz claims he never received it. Schwarz complains that the Supplemental Report contains no certificate of service, but no rule requires such a certificate and it is the standard practice of this Court not to include such a certificate (See, e.g., Report and Recommendations, Doc. No. 114).

To ensure that Schwartz has a fair opportunity to be heard on the merits of his underlying Motion for Reconsideration, it is hereby ORDERED that he may file objections to the Supplemental Report in the form of a memorandum in support of his Motion to Reconsider no later than the seventeenth day after he admits receiving notice of the Supplemental Report on February 5, 2015, to wit, no later than February 23, 2015.

This Order does not reopen the judgment.

February 9, 2015.

s/ *Michael R. Merz*
United States Magistrate Judge